



Town of Tiburon

STAFF REPORT

Due to the increase in the variance request (24.9 % in lieu of previously requested 19%), additional noticing is legally required. Furthermore, no action may be taken on this project without the proper variance noticing; however, the Board is encouraged to review the merits of the project and continue it to the October 6, 2005 Design Review Board meeting when formal action may be taken.

The proposed second story has been eliminated from the west side of the house, and the existing two story portion of the residence has been expanded. In addition the kitchen and recreation room would be expanded towards the rear. A gabled roof would be installed over the existing living room and kitchen, and a similar roof line would be constructed over the east side. The master suite would be located above the garage, and three additional bedrooms and two bathrooms would also be located in the rear of the upper level.

The kitchen addition on the main level would be located 15 feet from the left side property line. Since the existing structure is only 11.7 feet from the side property line, the addition would be pulled in 3.3 feet so as not to encroach on the side yard setback.

New windows would be installed on the front elevation below the fascias on the master suite and living room. A trellis would also be installed above the garage to break up the front elevation. The material for the entire structure would be shingle siding with asphalt roofing.

The revised project design addresses the view issues previously raised by the Board. As recommended, the west side second story was eliminated and the footprint was expanded to allow for more floor area on the ground level and downhill side of the house. The privacy impacts, however, would now be greater on the property located at 4 East Terrace. Additional landscaping could be planted to mitigate the privacy impacts of the structure as well as the proposed pool.

Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the RO-2 zoning district with the exception of the previously noted variance for excess lot coverage and a new request for a floor area exception. As noted on the previous report for this application, Staff believes there is sufficient evidence to support the findings for the requested variance. Staff's response to the requested floor area exception follows.

Floor Area Exception

In order to grant the requested floor area exception, the Board must make the following findings as required by Section 4.02.08 of the Tiburon Zoning Ordinance:

- 1. The applicant has demonstrated that the visual size and scale of the proposed structure is compatible with the predominant pattern established by existing structures in the surrounding neighborhood.**

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The excess floor area would not make the proposed residence out of scale with the surrounding neighborhood. Many homes in the area are large residences that exceed the floor area regulations. The visual size and scale of the proposed residence would therefore be compatible with the neighborhood.

- 2. The applicant has demonstrated that the proposed structure is compatible with the physical characteristics of the site. The characteristics include, but are not limited to, the scale of trees, rock outcroppings, stream courses, land forms, and the dimensions of the lot.**

The proposed project would be compatible with the physical characteristics of the site because the building would step down with the slope. The topography of the lot would reduce the visual impact of the large structure on the property.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variances and floor area exception.

Public Comment

To date, no additional public comment has been received since the previous hearing on this application.

RECOMMENDATION:

It is recommended that the Board review this project with respect to Zoning Ordinance Section 4.02.07 (Guiding Principles) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. If the Board finds that the design of the project is consistent with the Guiding Principles for Site Plan and Architectural Review the findings for variance for excess lot coverage and a floor area exception can be made, then it is recommended that the project be continued to the October 6, 2005 Design Review Board meeting when it may be approved with the attached Conditions of Approval.

EXHIBITS:

1. Conditions of Approval
2. Application and supplemental materials
3. Design Review Board staff report dated August 18, 2005
4. Minutes from the August 18, 2005 Board meeting
5. Letter from the applicant received September 7, 2005
6. Plans for the project

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EXHIBIT 1

CONDITIONS OF APPROVAL

3 GREENWOOD COURT

FILE #20521

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. The development of this project shall conform with the application dated by the Town of Tiburon on July 21, 2005 and plans dated September 6, 2005, or as amended by these conditions of approval. Any modifications to the plans of September 6, 2005 must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Division for plan check shall be identical to those approved by the Design Review Board. If any changes are made to the approved Design Review plans, the permit holder is responsible for clearly identifying all such changes when submitted to the Building Division for plan check. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the submitted plans. A list describing in detail all such changes shall be submitted and attached to the building plans, with a signature block to be signed by the Planning Division Staff member indicating that these changes have been reviewed and are approved, or require additional Design Review. All changes that have not been explicitly approved by Staff as part of the Building Plan Check process are not approved. Construction that does not have Planning Division approval is not valid and shall be subject to stop work orders and may require removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All exterior lighting fixtures must be down light type fixtures.
6. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.